

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right #                                    |           | Remarks   |
|--|-----------|---|
| RED BOX IS FOR NEW REMARKS TO THIS INDEX IN 2023 |           |   |
| 40A  | 110011 00 | BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 110011-00, THE WATER USER CAN IRRIGATE NO MORE THAN 100.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 100.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER RIGHT FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.   |
| 40A  | 110011 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.</p> <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.</p> |
| 40A  | 110017 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A  | 110017 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 110019 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 110019 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 110026 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 110026 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 110031 00 | DITCH NAME ALSO APPEARS MCFARLAND-WHITE PER WATER RESOURCE SURVEY. THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A           | 110031 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 110033 00 | BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 110034 00 | BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 110038 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A           | 110038 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.   |
| 40A           | 145870 00 | WATER FROM BIG ELK CREEK IS DIVERTED IN TWO LOCATIONS (JOHN CAMBELL DITCH AND MOORE-WILLIAMS DITCH) WHERE IT IS TRANSPORTED THROUGH A NATURAL CARRIER (BEAR CREEK) TO A SECONDARY POINT OF DIVERSION IN THE NENWNE SEC. 7 6N13E. JOHN CAMBELL DITCH APPEARS TO ALSO BE TOP HAT DITCH ON THE WATER RESOURCES SURVEY.   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 145871 00 | STATEMENT OF CLAIM NOS. 40A 145870, 40A 145871 AND 40A 145875 ARE SUPPLEMENTAL AND IRRIGATE THE SAME 496.5 ACRES. THE MAXIMUM COMBINED APPROPRIATION FROM ALL THREE RIGHTS IS 12.61 CFS UP TO 768.9 AF ANNUALLY.   |
| 40A           | 145871 00 | WATER FROM BIG ELK CREEK IS DIVERTED IN TWO LOCATIONS (JOHN CAMBELL DITCH AND MOORE-WILLIAMS DITCH) WHERE IT IS TRANSPORTED THROUGH A NATURAL CARRIER (BEAR CREEK) TO A SECONDARY POINT OF DIVERSION IN THE NENWNE SEC. 7 6N13E. JOHN CAMBELL DITCH APPEARS TO ALSO BE TOP HAT DITCH ON THE WATER RESOURCES SURVEY.  |
| 40A           | 145871 00 | <p><b>**IMPORTANT INFORMATION</b></p> <p>THE STATEMENTS OF CLAIM AUTHORIZED TO BE CHANGED IN THIS ORDER AND STATEMENT OF CLAIM NO. 40A 110027 ARE PARTIALLY ASSOCIATED IN PLACE OF USE. THEY IRRIGATE THE SAME 111.8-ACRE PARCEL IN THE N2 SECTION 7, T6N, R13E. THE STATEMENT OF CLAIMS CHANGED IN THIS ORDER APPROPRIATE WATER FROM BIG ELK CREEK, AND STATEMENT OF CLAIM NO. 40A 110027 APPROPRIATES WATER FROM BEAR CREEK. DEPENDING ON SOURCE CONDITIONS AND THE PRIORITY STATUS OF WATER RIGHTS, WATER USE ON THE PARCEL MAY OCCUR SOLELY FROM EITHER SOURCE, OR CONJUNCTIVELY IN SOME COMBINATION. ACCORDINGLY, THE APPROPRIATOR SHALL REDUCE APPROPRIATIONS FROM BIG ELK CREEK WHEN BEAR CREEK IS BEING APPROPRIATED TO THE PARCEL. THE REDUCTION OF APPROPRIATIONS FROM BIG ELK CREEK MUST BE COMMENSURATE TO THE AMOUNT BEING DIVERTED FROM BEAR CREEK. IN ADDITION TO THE REQUIREMENTS OUTLINED IN THE ASSOCIATED WATER MEASUREMENT AND RECORDS REQUIRED CONDITION, THE APPROPRIATOR SHALL KEEP RECORDS THAT DISTINGUISH THE SOURCE, AMOUNT, AND PERIOD OF TIME OF APPROPRIATIONS TO THE 111.8-ACRE PARCEL. THE RECORDS SHALL BE SUPPLIED TO THE DEPARTMENT UPON REQUEST.</p> |
| 40A           | 145875 00 | WATER FROM BIG ELK CREEK IS DIVERTED IN TWO LOCATIONS (JOHN CAMBELL DITCH AND MOORE-WILLIAMS DITCH) WHERE IT IS TRANSPORTED THROUGH A NATURAL CARRIER (BEAR CREEK) TO A SECONDARY POINT OF DIVERSION IN THE NENWNE SEC. 7 6N13E. JOHN CAMBELL DITCH APPEARS TO ALSO BE TOP HAT DITCH ON THE WATER RESOURCES SURVEY.  |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 189754 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.</p> <p>THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WATER RELEASED FROM THE RESERVOIR ASSOCIATED WITH THIS RIGHT MAY NOT BE DIVERTED THROUGH ANY DITCH OTHER THAN THOSE USED IN ASSOCIATION WITH 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, AND 40A 189759-00.</p> <p>NOVEMBER 6, 2013 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE PERIOD OF DIVERSION OF THIS CLAIM IS REFLECTED AS YEAR ROUND, (JANUARY 1 TO DECEMBER 31) WHENEVER WATER IS AVAILABLE FOR DIVERSION IN ORDER OF PRIORITY.</p> <p style="text-align: right;">THE STIPULATION FILED ON</p> |
| 40A           | 189754 00 | <p>DITCH NAME APPEARS TO BE SHEETZ DITCH ON WRS. POD APPEARS TO BE IN GOVT. LOT 11 IN SECTION 6. THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.</p>   |
| 40A           | 189756 00 | <p>THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.</p>   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 189757 00 | DITCH NAME APPEARS TO BE POUND-HAGGERTY DITCH ON WATER RESOURCES SURVEY. THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 189758 00 | POD APPEARS TO BE IN THE NENWSE. THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.   |
| 40A           | 189758 00 | THE STIUPLATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.   |
| 40A           | 189758 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 189759 00 | DITCH NAME APPEARS TO BE POUND-HAGGERTY DITCH ON WATER RESOURCES SURVEY. THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 189754-00, 40A 189755-00, 40A 189756-00, 40A 189757-00, 40A 189758-00, 40A 189759-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.            |
| 40A           | 198477 00 | HEADGATE APPEARS TO BE IN THE NWSESE SEC.25 7N13E. THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 198477 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WATER RIGHTS 40A 198477-00 AND 40A 198480-00 WERE HISTORICALLY DIVERTED FROM BIG ELK CREEK BETWEEN THE POINT OF DIVERSION KNOWN AS THE SHUMAKER-MOORE DITCH ON THE SOUTH BORDER OF SECTION 35, T7N, R13E AND THE CURRENT POINT OF DIVERSION ON THE EAST BANK OF BIG ELK CREEK, KNOWN AS THE SANFORD MOORE DITCH, IN THE NENESE SECTION 24, T7N, R13E. THE ABOVE-DESIGNATED RIGHTS, THEREFORE, ARE NOT SUBJECT TO CALL TO SATISFY WATER RIGHT 40A 201295-00.  |
| 40A           | 198477 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A           | 198478 00 | THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 198478 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 198478 00 | THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL 928.00 ACRES. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. 198477-00 198478-00 198479-00 198480-00 198481-00 198482-00 198483-00 198487-00  |
| 40A           | 198479 00 | THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMENDIATELY CEASE. |
| 40A           | 198479 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |



**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 198480 00 | HEADGATE APPEARS TO BE IN THE NWSESE SEC 25 7N13E. THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 198480 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WATER RIGHTS 40A 198477-00 AND 40A 198480-00 WERE HISTORICALLY DIVERTED FROM BIG ELK CREEK BETWEEN THE POINT OF DIVERSION KNOWN AS THE SHUMAKER-MOORE DITCH ON THE SOUTH BORDER OF SECTION 35, T7N, R13E AND THE CURRENT POINT OF DIVERSION ON THE EAST BANK OF BIG ELK CREEK, KNOWN AS THE SANFORD MOORE DITCH, IN THE NENESE SECTION 24, T7N, R13E. THE ABOVE-DESIGNATED RIGHTS, THEREFORE, ARE NOT SUBJECT TO CALL TO SATISFY WATER RIGHT 40A 201295-00.  |
| 40A           | 198480 00 | THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 198481 00 | THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 198481 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 198482 00 | HEADGATE APPEARS TO BE IN THE SWSENE SEC.25 7N13E. THE STIPULATIONS FILED ON FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMENDIATELY CEASE. |
| 40A           | 198483 00 | THE STIPULATIONS FILED FEBRUARY 14, 1997 AND FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDE THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, 40A 198483-00, 40A 198487-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 198483 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 198487 00 | THE POD APPEARS TO BE IN GOVT LOT 11 OF SEC. 6. THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: WATER RELEASED FROM THE RESERVOIR ASSOCIATED WITH THIS RIGHT MAY NOT BE DIVERTED THROUGH ANY DITCH OTHER THAN THOSE USED IN ASSOCIATION WITH RIGHTS 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00.  |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 201287 00 | This water right involves a secondary point of diversion. Water from Big Elk Creek is diverted in the NENWSE Sec. 32 TWP 7N RGE13E on E.L. Shumaker Ditch as well as the NWNESE Sec. 24 TWP 7N RGE 13E on Fox Replacement (West Bank) Ditch where it is conveyed through the ditches into Alkali Creek where it is transported to place of use. The secondary diversions involves two reservoirs. Two dot reservoir is on Alkali Creek. Excess water impounded by a dam fills an off stream reservoir west of it (Fox Reservoir). Water is transferred from two dot reservoir to Fox Reservoir via a spillway.  |
| 40A           | 201287 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A           | 201287 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 201287-00, 40A 201288-00, 40A 201289-00, 40A 201292-00, 40A 201293-00, AND 40A 201294-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.  |
| 40A           | 201287 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING: THE FOLLOWING INSTRUCTIONS SHALL APPLY TO CLAIMANTS' USE OF THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE FOX REPLACEMENT DITCH IN THE NENESE SEC. 24, 7N, 13E, IN LIEU OF AND SUBSTITUTE FOR THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH IN THE NWSE SEC. 32, 7N, 13E, TO DIVERT AND USE ANY OF THE WATERS COVERED BY THESE RIGHTS, IN ORDER TO PREVENT ANY ADVERSE EFFECT OR INJURY TO THE OTHER WATER USERS ON BIG ELK CREEK AND ITS TRIBUTARIES.</p> <p>(A) THE FLOW RATE AVAILABLE FOR DIVERSION THROUGH AND BY MEANS OF THE FOX REPLACEMENT DITCH TO SATISFY THESE RIGHTS SHALL BE LIMITED TO THE AMOUNT OF WATER AVAILABLE AT THE E. L. SHUMAKER DITCH AS MEASURED AT THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH;</p> <p>(B) WATER DIVERTED BY MEANS OF THE FOX REPLACEMENT DITCH SHALL NOT EXCEED THE CARRYING CAPACITY OF THE EXISTING MEANS OF DIVERSION TO-WIT: A 24 INCH SLIDE GATE AT THE POINT OF DIVERSION AND 24 INCH CORRUGATED METAL PIPE, 20 FEET LONG, SERVING AS A CULVERT IN THE DITCH RUNNING UNDER THE ROAD WHICH RUNS SOUTH OUT OF TWO DOT.</p> <p>(C) THE WATER RIGHTS LISTED BELOW SHALL NOT BE SUBJECT TO CALL TO SATISFY THIS WATER RIGHT:</p> <ol style="list-style-type: none"> <li>(1) 40A 5024-00, 40A 5025-00, 40A 5026-00, 40A 5027-00, AND 40A 6661-00</li> <li>(2) 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00</li> <li>(3) 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110020-00, 40A 110021-00, AND 40A 110026-00, AND</li> <li>(4) ANY RIGHTS WITH A DATE OF PRIORITY PRIOR TO 1964 OUT OF ANY TRIBUTARY TO BIG ELK CREEK WHICH ENTERS BIG ELK CREEK AT A POINT BETWEEN THE E. L. SHUMAKER DITCH (NWSE SEC. 32, 7N, 13E) AND THE FOX REPLACEMENT DITCH (NENESE SEC. 24, 7N, 13E) INCLUDING BUT NOT LIMITED TO ANY SUCH DIVERSIONS FROM BEAR CREEK AND CROOKED CREEK.</li> </ol> |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 201289 00 | This water right involves a secondary point of diversion. Water from Big Elk Creek is diverted in the NENWSE Sec. 32 TWP 7N RGE13E on E.L. Shumaker Ditch as well as the NWNESE Sec. 24 TWP 7N RGE 13E on Fox Replacement (West Bank) Ditch where it is conveyed through the ditches into Alkali Creek where it is transported to place of use. The secondary diversions involves two reservoirs. Two dot reservoir is on Alkali Creek. Excess water impounded by a dam fills an off stream reservoir west of it (Fox Reservoir). Water is transferred from two dot reservoir to Fox Reservoir via a spillway.   |
| 40A           | 201289 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 201289 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 201287-00, 40A 201288-00, 40A 201289-00, 40A 201292-00, 40A 201293-00, AND 40A 201294-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # | Remarks  |
|---------------|--|
| 40A 201289 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING: THE FOLLOWING INSTRUCTIONS SHALL APPLY TO CLAIMANTS' USE OF THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE FOX REPLACEMENT DITCH IN THE NENESE SEC. 24, 7N, 13E, IN LIEU OF AND SUBSTITUTE FOR THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH IN THE NWSE SEC. 32, 7N, 13E, TO DIVERT AND USE ANY OF THE WATERS COVERED BY THESE RIGHTS, IN ORDER TO PREVENT ANY ADVERSE EFFECT OR INJURY TO THE OTHER WATER USERS ON BIG ELK CREEK AND ITS TRIBUTARIES.</p> <p>(A) THE FLOW RATE AVAILABLE FOR DIVERSION THROUGH AND BY MEANS OF THE FOX REPLACEMENT DITCH TO SATISFY THESE RIGHTS SHALL BE LIMITED TO THE AMOUNT OF WATER AVAILABLE AT THE E. L. SHUMAKER DITCH AS MEASURED AT THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH;</p> <p>(B) WATER DIVERTED BY MEANS OF THE FOX REPLACEMENT DITCH SHALL NOT EXCEED THE CARRYING CAPACITY OF THE EXISTING MEANS OF DIVERSION TO-WIT: A 24 INCH SLIDE GATE AT THE POINT OF DIVERSION AND 24 INCH CORRUGATED METAL PIPE, 20 FEET LONG, SERVING AS A CULVERT IN THE DITCH RUNNING UNDER THE ROAD WHICH RUNS SOUTH OUT OF TWO DOT.</p> <p>(C) THE WATER RIGHTS LISTED BELOW SHALL NOT BE SUBJECT TO CALL TO SATISFY THIS WATER RIGHT:</p> <p>(1) 40A 5024-00, 40A 5025-00, 40A 5026-00, 40A 5027-00, AND 40A 6661-00</p> <p>(2) 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00</p> <p>(3) 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110020-00, 40A 110021-00, AND 40A 110026-00, AND</p> <p>(4) ANY RIGHTS WITH A DATE OF PRIORITY PRIOR TO 1964 OUT OF ANY TRIBUTARY TO BIG ELK CREEK WHICH ENTERS BIG ELK CREEK AT A POINT BETWEEN THE E. L. SHUMAKER DITCH (NWSE SEC. 32, 7N, 13E) AND THE FOX REPLACEMENT DITCH (NENESE SEC. 24, 7N, 13E) INCLUDING BUT NOT LIMITED TO ANY SUCH DIVERSIONS FROM BEAR CREEK AND CROOKED CREEK.</p> |
| 40A 201292 00 | <p>This water right involves a secondary point of diversion. Water from Big Elk Creek is diverted in the NENWSE Sec. 32 TWP 7N RGE13E on E.L. Shumaker Ditch as well as the NWNESE Sec. 24 TWP 7N RGE 13E on Fox Replacement (West Bank) Ditch where it is conveyed through the ditches into Alkali Creek where it is transported to place of use. The secondary diversions involves two reservoirs. Two dot reservoir is on Alkali Creek. Excess water impounded by a dam fills an off stream reservoir west of it (Fox Reservoir). Water is transferred from two dot reservoir to Fox Reservoir via a spillway.</p>  |
| 40A 201292 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.</p>   |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # | Remarks   |
|---------------|---|
| 40A 201292 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 201287-00, 40A 201288-00, 40A 201289-00, 40A 201292-00, 40A 201293-00, AND 40A 201294-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.</p>   |
| 40A 201292 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING: THE FOLLOWING INSTRUCTIONS SHALL APPLY TO CLAIMANTS' USE OF THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE FOX REPLACEMENT DITCH IN THE NENESE SEC. 24, 7N, 13E, IN LIEU OF AND SUBSTITUTE FOR THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH IN THE NWSE SEC. 32, 7N, 13E, TO DIVERT AND USE ANY OF THE WATERS COVERED BY THESE RIGHTS, IN ORDER TO PREVENT ANY ADVERSE EFFECT OR INJURY TO THE OTHER WATER USERS ON BIG ELK CREEK AND ITS TRIBUTARIES.</p> <p>(A) THE FLOW RATE AVAILABLE FOR DIVERSION THROUGH AND BY MEANS OF THE FOX REPLACEMENT DITCH TO SATISFY THESE RIGHTS SHALL BE LIMITED TO THE AMOUNT OF WATER AVAILABLE AT THE E. L. SHUMAKER DITCH AS MEASURED AT THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH;</p> <p>(B) WATER DIVERTED BY MEANS OF THE FOX REPLACEMENT DITCH SHALL NOT EXCEED THE CARRYING CAPACITY OF THE EXISTING MEANS OF DIVERSION TO-WIT: A 24 INCH SLIDE GATE AT THE POINT OF DIVERSION AND 24 INCH CORRUGATED METAL PIPE, 20 FEET LONG, SERVING AS A CULVERT IN THE DITCH RUNNING UNDER THE ROAD WHICH RUNS SOUTH OUT OF TWO DOT.</p> <p>(C) THE WATER RIGHTS LISTED BELOW SHALL NOT BE SUBJECT TO CALL TO SATISFY THIS WATER RIGHT:</p> <ul style="list-style-type: none"> <li>(1) 40A 5024-00, 40A 5025-00, 40A 5026-00, 40A 5027-00, AND 40A 6661-00</li> <li>(2) 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00</li> <li>(3) 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110020-00, 40A 110021-00, AND 40A 110026-00, AND</li> <li>(4) ANY RIGHTS WITH A DATE OF PRIORITY PRIOR TO 1964 OUT OF ANY TRIBUTARY TO BIG ELK CREEK WHICH ENTERS BIG ELK CREEK AT A POINT BETWEEN THE E. L. SHUMAKER DITCH (NWSE SEC. 32, 7N, 13E) AND THE FOX REPLACEMENT DITCH (NENESE SEC. 24, 7N, 13E) INCLUDING BUT NOT LIMITED TO ANY SUCH DIVERSIONS FROM BEAR CREEK AND CROOKED CREEK.</li> </ul> |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 201293 00 | This water right involves a secondary point of diversion. Water from Big Elk Creek is diverted in the NENWSE Sec. 32 TWP 7N RGE13E on E.L. Shumaker Ditch as well as the NWNESE Sec. 24 TWP 7N RGE 13E on Fox Replacement (West Bank) Ditch where it is conveyed through the ditches into Alkali Creek where it is transported to place of use. The secondary diversions involves two reservoirs. Two dot reservoir is on Alkali Creek. Excess water impounded by a dam fills an off stream reservoir west of it (Fox Reservoir). Water is transferred from two dot reservoir to Fox Reservoir via a spillway.   |
| 40A           | 201293 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 201293 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 201287-00, 40A 201288-00, 40A 201289-00, 40A 201292-00, 40A 201293-00, AND 40A 201294-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # | Remarks  |
|---------------|--|
| 40A 201293 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING: THE FOLLOWING INSTRUCTIONS SHALL APPLY TO CLAIMANTS' USE OF THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE FOX REPLACEMENT DITCH IN THE NENESE SEC. 24, 7N, 13E, IN LIEU OF AND SUBSTITUTE FOR THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH IN THE NWSE SEC. 32, 7N, 13E, TO DIVERT AND USE ANY OF THE WATERS COVERED BY THESE RIGHTS, IN ORDER TO PREVENT ANY ADVERSE EFFECT OR INJURY TO THE OTHER WATER USERS ON BIG ELK CREEK AND ITS TRIBUTARIES.</p> <p>(A) THE FLOW RATE AVAILABLE FOR DIVERSION THROUGH AND BY MEANS OF THE FOX REPLACEMENT DITCH TO SATISFY THESE RIGHTS SHALL BE LIMITED TO THE AMOUNT OF WATER AVAILABLE AT THE E. L. SHUMAKER DITCH AS MEASURED AT THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH;</p> <p>(B) WATER DIVERTED BY MEANS OF THE FOX REPLACEMENT DITCH SHALL NOT EXCEED THE CARRYING CAPACITY OF THE EXISTING MEANS OF DIVERSION TO-WIT: A 24 INCH SLIDE GATE AT THE POINT OF DIVERSION AND 24 INCH CORRUGATED METAL PIPE, 20 FEET LONG, SERVING AS A CULVERT IN THE DITCH RUNNING UNDER THE ROAD WHICH RUNS SOUTH OUT OF TWO DOT.</p> <p>(C) THE WATER RIGHTS LISTED BELOW SHALL NOT BE SUBJECT TO CALL TO SATISFY THIS WATER RIGHT:</p> <p>(1) 40A 5024-00, 40A 5025-00, 40A 5026-00, 40A 5027-00, AND 40A 6661-00</p> <p>(2) 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00</p> <p>(3) 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110020-00, 40A 110021-00, AND 40A 110026-00, AND</p> <p>(4) ANY RIGHTS WITH A DATE OF PRIORITY PRIOR TO 1964 OUT OF ANY TRIBUTARY TO BIG ELK CREEK WHICH ENTERS BIG ELK CREEK AT A POINT BETWEEN THE E. L. SHUMAKER DITCH (NWSE SEC. 32, 7N, 13E) AND THE FOX REPLACEMENT DITCH (NENESE SEC. 24, 7N, 13E) INCLUDING BUT NOT LIMITED TO ANY SUCH DIVERSIONS FROM BEAR CREEK AND CROOKED CREEK.</p> |
| 40A 201294 00 | <p>This water right involves a secondary point of diversion. Water from Big Elk Creek is diverted in the NENWSE Sec. 32 TWP 7N RGE13E on E.L. Shumaker Ditch as well as the NWNESE Sec. 24 TWP 7N RGE 13E on Fox Replacement (West Bank) Ditch where it is conveyed through the ditches into Alkali Creek where it is transported to place of use. The secondary diversions involves two reservoirs. Two dot reservoir is on Alkali Creek. Excess water impounded by a dam fills an off stream reservoir west of it (Fox Reservoir). Water is transferred from two dot reservoir to Fox Reservoir via a spillway.</p>  |



**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 201294 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.  |
| 40A           | 201294 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 201287-00, 40A 201288-00, 40A 201289-00, 40A 201292-00, 40A 201293-00, AND 40A 201294-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.   |
| 40A           | 201294 00 | <p>THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING: THE FOLLOWING INSTRUCTIONS SHALL APPLY TO CLAIMANTS' USE OF THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE FOX REPLACEMENT DITCH IN THE NENESE SEC. 24, 7N, 13E, IN LIEU OF AND SUBSTITUTE FOR THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH IN THE NWSE SEC. 32, 7N, 13E, TO DIVERT AND USE ANY OF THE WATERS COVERED BY THESE RIGHTS, IN ORDER TO PREVENT ANY ADVERSE EFFECT OR INJURY TO THE OTHER WATER USERS ON BIG ELK CREEK AND ITS TRIBUTARIES.</p> <p>(A) THE FLOW RATE AVAILABLE FOR DIVERSION THROUGH AND BY MEANS OF THE FOX REPLACEMENT DITCH TO SATISFY THESE RIGHTS SHALL BE LIMITED TO THE AMOUNT OF WATER AVAILABLE AT THE E. L. SHUMAKER DITCH AS MEASURED AT THE POINT OF DIVERSION AND MEANS OF DIVERSION FOR THE E. L. SHUMAKER DITCH;</p> <p>(B) WATER DIVERTED BY MEANS OF THE FOX REPLACEMENT DITCH SHALL NOT EXCEED THE CARRYING CAPACITY OF THE EXISTING MEANS OF DIVERSION TO-WIT: A 24 INCH SLIDE GATE AT THE POINT OF DIVERSION AND 24 INCH CORRUGATED METAL PIPE, 20 FEET LONG, SERVING AS A CULVERT IN THE DITCH RUNNING UNDER THE ROAD WHICH RUNS SOUTH OUT OF TWO DOT.</p> <p>(C) THE WATER RIGHTS LISTED BELOW SHALL NOT BE SUBJECT TO CALL TO SATISFY THIS WATER RIGHT:</p> <p>(1) 40A 5024-00, 40A 5025-00, 40A 5026-00, 40A 5027-00, AND 40A 6661-00</p> <p>(2) 40A 198477-00, 40A 198478-00, 40A 198479-00, 40A 198480-00, 40A 198481-00, 40A 198482-00, AND 40A 198483-00</p> <p>(3) 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110020-00, 40A 110021-00, AND 40A 110026-00, AND</p> <p>(4) ANY RIGHTS WITH A DATE OF PRIORITY PRIOR TO 1964 OUT OF ANY TRIBUTARY TO BIG ELK CREEK WHICH ENTERS BIG ELK CREEK AT A POINT BETWEEN THE E. L. SHUMAKER DITCH (NWSE SEC. 32, 7N, 13E) AND THE FOX REPLACEMENT DITCH (NENESE SEC. 24, 7N, 13E) INCLUDING BUT NOT LIMITED TO ANY SUCH DIVERSIONS FROM BEAR CREEK AND CROOKED CREEK.</p> |
| 40A           | 205260 00 | THE STIPULATION FILED ON FEBRUARY 14, 1997 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE OWNER OF RIGHT 40A 205260-00 MAY DIVERT ADDITIONAL WATER AT THE POINTS OF DIVERSION SHOWN FOR RIGHTS 40A 205262-00, 40A 205263-00, 40A 205264-00, AND 40A 205265-00 IN WHICH EVENT THE OWNER SHALL RELEASE AN EQUIVALENT FLOW OF WATER FROM THE RESERVOIR ASSOCIATED WITH RIGHT 40A 205260-00. THIS RELEASED WATER MAY NOT BE DIVERTED THROUGH ANY DIVERSION BETWEEN THE RESERVOIR AND THE CONFLUENCE OF CROOKED CREEK WITH BIG ELK CREEK.  |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks   |
|---------------|-----------|---|
| 40A           | 211043 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.   |
| 40A           | 211043 00 | THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE. |
| 40A           | 211586 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY.  |
| 40A           | 211587 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY.  |
| 40A           | 211588 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY.  |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 211589 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211590 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211591 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211592 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211593 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211594 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211595 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |

**E064 Source Enforcement Area**  
**COMMISSIONER REMARK INDEX**

| Water Right # |           | Remarks  |
|---------------|-----------|--|
| 40A           | 211596 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211597 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211598 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211599 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211600 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |
| 40A           | 211601 00 | WATER DIVERTED FROM BIG ELK CREEK ON HLINE, JOHN CAMBELL, AND MOORE-WILLIAMS DITCHES ARE CONVEYED TO BEAR CREEK AND CROOKED CREEK WHICH ARE USED AS A NATURAL CARRIERS TO MULTIPLE SECONDARY POINTS OF DIVERSION. JOHN CAMBELL DITCH APPEARS TO BE 'TOP HAT DITCH' AND HILINE DITCH APPEARS TO BE MCFARLAND-WHITE DITCH ON WATER RESOURCES SURVEY. |